

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,
Plaintiff,
v.
GRANT V. BARRETT,
Defendants.

No. 2:18-cv-01192 CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1331(b).

In this civil rights action, plaintiff names a Calaveras County Superior Court judge as a defendant. ECF No. 1 at 2. However, after reviewing the allegations in the complaint, it appears that plaintiff is actually attempting to challenge his criminal conviction. See ECF No. 1 at 3. Plaintiff was not only convicted in Alameda County but is also presently confined at San Quentin

1 State Prison, which are both located in the Northern District of California. People v. Bonilla, 41
2 Cal. 4th 313 (Cal. June 18, 2007). Therefore, plaintiff's complaint should have been filed in the
3 United States District Court for the Northern District of California. In the interest of justice, a
4 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
5 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
7 States District Court for the Northern District of California.

8 Dated: June 5, 2018



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10 CAROLYN K. DELANEY
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12 UNITED STATES MAGISTRATE JUDGE
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